

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GERALD J. KLEIN, On Behalf of Himself and
all Similarly Situated,

Plaintiff,

v.

TD AMERITRADE HOLDING
CORPORATION, TD AMERITRADE, INC.,
AND FREDERIC TOMCZYK

Defendants.

Case No. 8:14-cv-00396-JFB-TDT

**DEFENDANTS' MOTION FOR
EXTENSION OF TIME**

Defendants TD Ameritrade Holding Corporation, TD Ameritrade, Inc. and Fredric J. Tomczyk (collectively, "Defendants"), pursuant to Fed.R.Civ.P. 6(b)(1)(A), hereby respectfully request that the Court grant a short five-day extension of time for Defendants to answer or otherwise respond to Plaintiff's Complaint from March 19, 2015 until March 24, 2015. In support of this Motion, Defendants state as follows:

1. By Order dated February 26, 2015, this Court denied various pending Motions regarding consolidation and appointment of lead counsel, and ordered Defendants to answer or otherwise respond to Plaintiff's Complaint on or before March 19, 2015. (Doc. 47).
2. Since the Court's Order of February 26, 2015, Defendants have been diligently preparing Motions to Dismiss and supporting briefs in this and four other related cases pending in this District.
3. Despite working diligently to meet the deadline set by this Court, Defendants have determined that they require additional time to complete their Motion to Dismiss and supporting brief in this case and the four related cases.

4. Accordingly, Defendants are requesting a short extension of time to finalize and file their Motion to Dismiss Plaintiff's Complaint and supporting brief, from Thursday March 19, 2015 until Tuesday March 24, 2015.
5. Defendants submit that good cause exists for the Court to grant this Motion because Defendants and their counsel have made diligent efforts to meet the Court's March 19, 2015 deadline, but have not yet completed the extensive briefing. Furthermore, the extension Defendants are seeking is short, and is not for the purposes of delay.
6. Undersigned counsel has attempted to contact counsel for Plaintiff to determine whether Plaintiff has an objection to the short extension, but was unable to receive confirmation as of the time of filing.

WHEREFORE, Defendants respectfully request that the Court grant this Motion for Extension of Time for Defendants to answer or otherwise respond to Plaintiff's Complaint from March 19, 2015 until March 24, 2015, and for such other relief as the Court deems just and equitable.

Dated this 19th day of March, 2015.

TD AMERITRADE HOLDING CORPORATION,
TD AMERITRADE, INC. and FREDRIC J.
TOMCZYK, Defendants

By: s/ Victoria H. Buter

Thomas H. Dahlk #15371
Victoria H. Buter #23841
KUTAK ROCK LLP
The Omaha Building
1650 Farnam Street
Omaha, Nebraska 68102-2186
Telephone: (402) 346-6000
Facsimile: (402) 346-1148
tom.dahlk@kutakrock.com
vicki.buter@kutakrock.com

A. Robert Pietrzak (*admitted pro hac vice*)
Alex J. Kaplan (*admitted pro hac vice*)
Jackie A. Lu (*admitted pro hac vice*)
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, New York 10019
Telephone: (212) 839-5300
Facsimile: (212) 839-5599
rpietrzak@sidley.com
ajkaplan@sidley.com
jlu@sidley.com

CERTIFICATE OF SERVICE

I hereby certify that on March 19th, 2015, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system, which sent notification of such filing to the following attorneys registered with the CM/ECF system:

Christopher J. Kupka, Esq.
Eduard Korisnsky, Esq.
LEVI & KORSINSKY LLP
30 Broad Street, 24th Floor
New York, New York 10004
Telephone: (212) 363-7500
Fax: (866) 367-6510
ckupka@zlk.com
ek@zlk.com

Nancy A. Kulesa, Esq.
Sebastiano Tornatore, Esq.
LEVI & KORSINSKY LLP
733 Summer Street, Suite 304
Stamford, Connecticut 06901
Telephone: (212) 363-7500
Fax: (866) 367-6510
nkulesa@zlk.com
stornatore@zlk.com

Donald A. Robinson, Esq.
Leda D. Wettre, Esq.
ROBINSON, WETTRE & MILLER
LLC
One Newark Center, 19th Floor
Newark, New Jersey 07102
Telephone: (973) 690-5400
Fax: (973) 466-2760
drobinson@rwmlegal.com
lwettre@rwmlegal.com

Katrina Carroll, Esq.
Joseph J. DePalma, Esq.
LITE DEPALMA GREENBERG, LLC
Two Gateway Center, 12th Floor
Newark, New Jersey 07102
Telephone: (973) 623-3000
Fax: (973) 623-0858
kcarroll@litedepalma.com
jdepalma@litedepalma.com

Gregory C. Scaglione
Patrice D. Ott
KOLEY, JESSEN LAW FIRM
1125 South 103rd Street
Suite 800, One Pacific Place
Omaha, Nebraska 68124
greg.scaglione@koleyjessen.com
patrice.ott@koleyjessen.com

By: s/ Victoria H. Buter
Victoria H. Buter